IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

WP(C).No. 34379 of 2007(P)

OS.358/1998 of MUNSIFF COURT,ALUVA

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PETITIONER:

ANNAM, AGED 66 YEARS, W/O.PAPPACHAN,
MOONJELY HOUSE, KANJOOR KARA,
KIZHAKKUMBHAGOM VILLAGE, ALUVA TALUK.

BY ADV. SRI.N.ANILKUMAR

RESPONDENTS:

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1. THOMAS, AGED 72, S/O.PAILY, VEMPILLY HOUSE, KANJOOR KARA, MALAYATOOR VILLAGE, ALUVA TALUK.

2. MARIYAM, AGED 85, D/O.PAILY, VEMPILLY HOUSE, KANJOOR KARA, MALAYATTOOR VILLAGE, ALUVA TALUK (DIED).

3. ELIYAMMA, AGED 67, D/O.VEMPILLY HOUSE, KANJOOR KARA, MALAYATOOR VILLAGE, ALUVA TALUK (DIED).

4. VICTRIA, W/O.THOMAS, VEMPILLY HOUSE, KANJOOR KARA, MALAYATOOR VILLAGE, ALUVA TALUK.

5. PAUL @ BENNY, EMPLOYEE IN KERALA CHEMICALS AND PROTINS KORATTY (E) CHALAKKUDY.

6. THOMA @ THANKACHAN, S/O.THOMAS VEMPILLY HOUSE, KANJOORKARA, MALAYATOOR VILLAGE, ALUVA TALUK.

7. MATIN @ PUNNOOSE S/O.THOMAS, VEMPILLY HOUSE, KANJOOR KARA, MALAYATOOR VILLAGE, ALUVA TALUK.

8. ANTONY @ ANSAR, S/O.THOMAS, VEMPILLY HOUSE, KANJOOR KARA, MALAYATOOR VILLAGE, ALUVA TALUK.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.34379 of 2007

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Dated this the 27th day of November, 2007.

JUDGMENT

This Writ Petition is filed against the order of the Munsiff, Alwaye, whereby he declined to reopen the delivery. It was in the presence of the power of attorney that the property was delivered. He has not raised any objection. On the basis of the same, delivery was recorded and the E.P. was closed as early as in 2005 and a petition was filed in 2006 to reopen the delivery. The writ petitioner has accepted the delivery and had not raised any objection. Therefore, I am not inclined to interfere with the orders of the court below.

Writ Petition is dismissed.

M.N.Krishnan,
Judge.

ess 27/11